

**COMMISSION ON CRIMINAL AND JUVENILE**

**JUSTICE MEMBERSHIP**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Rosalind J. McGee**

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**LONG TITLE**

**General Description:**

This bill amends the membership of the Commission on Criminal and Juvenile Justice regarding the appointment of and number of legislative members.

**Highlighted Provisions:**

This bill:

- increases the number of commission members from the House of Representatives and the Senate from one to two from each house; and

- provides that the speaker of the House of Representatives and the president of the Senate each appoint the respective legislative members of the commission, rather than the governor.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date, except that it provides a delayed effective date of July 1, 2004, for the section of the bill that does not take effect until July 1, 2004.

**Utah Code Sections Affected:**

AMENDS:

**63-25a-102 (Superseded 07/01/04)**, as last amended by Chapter 220, Laws of Utah 2001



28           **63-25a-102 (Effective 07/01/04)**, as last amended by Chapter 171, Laws of Utah 2003

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30   *Be it enacted by the Legislature of the state of Utah:*

31           Section 1. Section **63-25a-102 (Superseded 07/01/04)** is amended to read:

32           **63-25a-102 (Superseded 07/01/04). Composition -- Appointments -- Ex officio**  
33 **members -- Terms -- U.S. Attorney as nonvoting member.**

34           (1) The commission on criminal and juvenile justice shall be composed of [20] 22  
35 voting members as follows:

36           (a) the chief justice of the supreme court, as the presiding officer of the judicial  
37 council, or a judge designated by the chief justice;

38           (b) the state court administrator;

39           (c) the executive director of the Department of Corrections;

40           (d) the director of the Division of Youth Corrections;

41           (e) the commissioner of the Department of Public Safety;

42           (f) the attorney general;

43           (g) the president of the chiefs of police association or a chief of police designated by  
44 the association's president;

45           (h) the president of the sheriffs' association or a sheriff designated by the association's  
46 president;

47           (i) the chair of the Board of Pardons and Parole or a member designated by the chair;

48           (j) the chair of the Utah Sentencing Commission;

49           (k) the chair of the Utah Substance Abuse and Anti-Violence Coordinating Council;

50           (l) the chair of the Utah Board of Juvenile Justice;

51           (m) the chair of the Utah Council on Victims of Crime or the chair's designee; and

52           (n) the following members designated to serve four-year terms:

53           (i) a juvenile court judge, appointed by the chief justice, as presiding officer of the  
54 Judicial Council; ~~and~~

55           (ii) a representative of the statewide association of public attorneys designated by the  
56 association's officers[-];

57           (iii) two members of the House of Representatives who are not members of the same  
58 political party, and who are appointed by the speaker of the House of Representatives; and

(iv) two members of the Senate who are not members of the same political party, and who are appointed by the president of the Senate.

(2) The governor shall appoint the remaining ~~[five]~~ three members to four-year staggered terms as follows:

(a) one criminal defense attorney appointed from a list of three nominees submitted by the Utah State Bar Association;

~~[(b) one state senator];~~

~~[(c) one state representative];~~

~~[(d)]~~ (b) one representative of public education; and

~~[(e)]~~ (c) one citizen representative.

(3) In addition to the members designated under Subsections (1) and (2), the United States Attorney for the district of Utah may serve as a nonvoting member.

(4) In appointing the members under Subsection (2), the governor shall take into account the geographical makeup of the commission.

Section 2. Section **63-25a-102 (Effective 07/01/04)** is amended to read:

**63-25a-102 (Effective 07/01/04). Composition -- Appointments -- Ex officio members -- Terms -- U.S. Attorney as nonvoting member.**

(1) The commission on criminal and juvenile justice shall be composed of ~~[20]~~ 22 voting members as follows:

(a) the chief justice of the supreme court, as the presiding officer of the judicial council, or a judge designated by the chief justice;

(b) the state court administrator;

(c) the executive director of the Department of Corrections;

(d) the director of the Division of Juvenile Justice Services;

(e) the commissioner of the Department of Public Safety;

(f) the attorney general;

(g) the president of the chiefs of police association or a chief of police designated by the association's president;

(h) the president of the sheriffs' association or a sheriff designated by the association's president;

(i) the chair of the Board of Pardons and Parole or a member designated by the chair;

(j) the chair of the Utah Sentencing Commission;

(k) the chair of the Utah Substance Abuse and Anti-Violence Coordinating Council;

(l) the chair of the Utah Board of Juvenile Justice;

(m) the chair of the Utah Council on Victims of Crime or the chair's designee; and

(n) the following members designated to serve four-year terms:

(i) a juvenile court judge, appointed by the chief justice, as presiding officer of the Judicial Council; ~~[and]~~

(ii) a representative of the statewide association of public attorneys designated by the association's officers~~[-]~~;

(iii) two members of the House of Representatives who are not members of the same political party, and who are appointed by the speaker of the House of Representatives; and

(iv) two members of the Senate who are not members of the same political party, and who are appointed by the president of the Senate.

(2) The governor shall appoint the remaining ~~[five]~~ three members to four-year staggered terms as follows:

(a) one criminal defense attorney appointed from a list of three nominees submitted by the Utah State Bar Association;

~~[(b) one state senator;]~~

~~[(c) one state representative;]~~

~~[(d)]~~ (b) one representative of public education; and

~~[(e)]~~ (c) one citizen representative.

(3) In addition to the members designated under Subsections (1) and (2), the United States Attorney for the district of Utah may serve as a nonvoting member.

(4) In appointing the members under Subsection (2), the governor shall take into account the geographical makeup of the commission.

### Section 3. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override, except that the amendments to Section 63-25a-102 (Effective July 1, 2004) take effect July 1, 2004.

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**Legislative Review Note**  
**as of 12-10-03 3:31 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note****Commission on Criminal and Juvenile Justice Membership** 20-Jan-04**Bill Number HB0194**2:30 PM

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**State Impact**

It is estimated that an ongoing General Fund appropriation of \$1,700 for the House of Representatives and an ongoing General Fund appropriation of \$1,700 for the Senate will be required to implement provisions of this bill.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
General Fund	\$3,400	\$3,400	\$0	\$0
<b>TOTAL</b>	<b>\$3,400</b>	<b>\$3,400</b>	<b>\$0</b>	<b>\$0</b>

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**